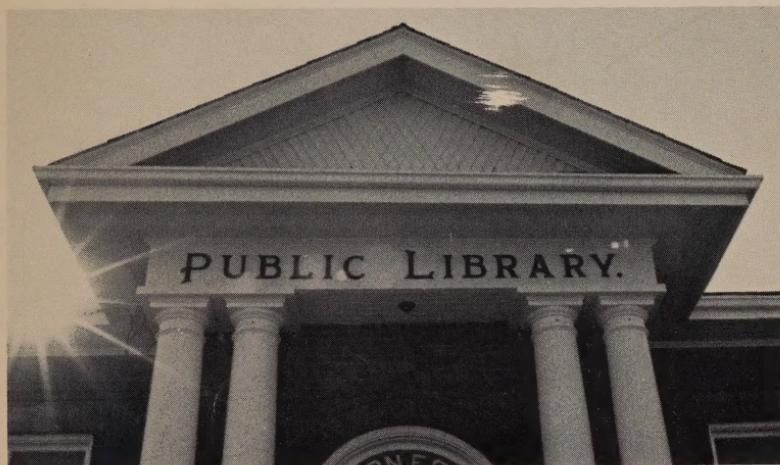


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# THE NEW **ACT** AND WHAT IT MEANS



## HOW TO INTERPRET THE PROPOSED PUBLIC LIBRARIES ACT

*The Ontario Ministry of  
Citizenship and Culture*



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**THE NEW  
ACT  
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**How to interpret  
the proposed  
PUBLIC LIBRARIES ACT**

**June, 1984**



Additional copies of this publication are available at the Ontario Government Bookstore, 800 Bay Street, Toronto, M7A 1N8 and Ministry of Citizenship and Culture Regional Service Offices.

Published by the Ministry of Citizenship and Culture, Province of Ontario, Toronto, Canada.

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ISBN 0-7743-9418-8  
D 1483 5/84 3500



The Honourable Susan Fish visiting in February with Norman McLeod, CEO, and Marian Webber in the Local History Project Room of the Guelph Public Library, the oldest library built under the Free Libraries Act of 1882.

#### STATEMENT TO THE LEGISLATURE

Mr. Speaker:

It is my privilege to introduce today amendments to the Public Libraries Act.

Ontario's first public library was opened in Niagara-on-the-Lake in June 1800. Legislation enabling municipalities to establish free library services was passed in 1882. Today 880 libraries circulate more than 60,000,000 items annually.

Today's legislative changes are designed to respect and maintain the proud traditions of a first class library system.

The local public library is a familiar and welcome sight in municipalities across this province. For some, our libraries are portals to the world. For others, they are a peaceful retreat. They help us expand our knowledge, appreciate an author's vision, or simply be entertained.

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Public libraries help us explore our own traditions, and understand and share the traditions of others. They serve people of all ages, incomes, backgrounds, languages, and education.

The Ontario Public Library Programme Review, headed by Peter Bassnett, Chief Librarian of the Scarborough Public Library, was initiated in 1980. That review included 150 meetings held in 50 communities across our province, the presentation of 360 briefs from interested groups and individuals, and 15 issue oriented task group reports.

Mr. Bassnett's report was followed by draft proposals in a consultation paper, to which more than 350 responses were received.

I have continued this dialogue in preparing this legislation. I believe the result is a solid framework that meets today's needs while providing support and scope for future development.

Those libraries are most successful which have their roots planted strongly in the community.

This legislation strengthens and expands the principles of free and open access, and community control. It recognizes the desirability of coordination with school libraries, and facilitates the exercise of municipal fiscal responsibility.

The legislation encourages cooperation among library boards while ensuring that participation in county-wide systems is voluntary.

French-Language Services have been strengthened; complementary Ministry initiatives are now in place to assist local boards to respond to changes in the population mix of their communities.

The provincial library service has been streamlined and local representation on our boards expanded.

These amendments will ensure that the people of Ontario will continue to have one of the best public library systems to be found anywhere.

Thank you.



L'Honorable Susan Fish en compagnie de Norman McLeod, AEC et Marian Webber, dans la salle des projets sur l'histoire locale à la bibliothèque locale de Guelph, au mois de février. Cette bibliothèque est la plus ancienne, construite sous la Loi sur les bibliothèques gratuites adoptée en 1882.

## DÉCLARATION À L'ASSEMBLÉE LÉGISLATIVE

Monsieur le président,

J'ai l'honneur de proposer aujourd'hui quelques amendements à la Loi sur les bibliothèques publiques.

C'est en juin 1800 que la première bibliothèque publique de l'Ontario ouvrit ses portes à Niagara-on-the-Lake. En 1882, le parlement adopta les premières lois permettant à nos municipalités de créer des services gratuits de bibliothèque. Aujourd'hui, nos 880 bibliothèques diffusent plus de 60 000 000 d'articles par an.

Les amendements que je propose aujourd'hui ont pour but de respecter et de maintenir la fière tradition d'un service de bibliothèques de tout premier ordre.

La bibliothèque publique locale est un lieu familier et accueillant dans les municipalités de toute la province. Pour certains, nos bibliothèques sont une fenêtre sur le monde. Pour d'autres, elles sont une retraite

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paisible. Elle nous aident à accroître nos connaissances, à apprécier l'art d'un auteur, ou simplement à nous divertir.

Les bibliothèques publiques nous aident à explorer nos propres traditions et à comprendre et à partager celles des autres. Elles servent les gens de tous âges, quels que soient leur revenu, leur milieu, leur langue et leur éducation.

Le Projet de révision du système des bibliothèques en Ontario, dirigé par M. Peter Bassnett, chef bibliothécaire de la bibliothèque publique de Scarborough, a été lancé en 1980. Ce projet a nécessité 150 réunions qui se sont tenues dans 50 communautés à travers la province, la présentation de 360 mémoires de la part de groupes ou de personnes intéressés, et 15 rapports de groupes d'étude relatifs à des points précis.

Le rapport de M. Bassnett a été suivi d'un document de consultation offrant des propositions préliminaires, qui a suscité plus de 350 réponses.

J'ai poursuivi ce dialogue en préparant ces amendements. Je suis convaincue que le résultat est un cadre solide qui fait face aux besoins actuels tout en offrant une base et des possibilités de développement futur.

Les bibliothèques qui ont le plus de succès ont des racines profondes dans la communauté.

Cette loi renforce et accroît les principes de l'accès libre et sans restriction, et du contrôle par la communauté. Elle affirme la désirabilité de la coordination avec les bibliothèques scolaires, et facilite l'exercice des responsabilités fiscales des municipalités.

La loi encourage la coopération entre les conseils de bibliothèques tout en garantissant que la participation à l'échelle des systèmes de comté reste volontaire.

Nous avons renforcé les services en français; des mesures complémentaires prises par le ministère sont d'ores et déjà en place afin d'aider les conseils locaux à réagir aux modifications démographiques de leur communauté.

Le service de bibliothèque provincial a été rationalisé et la représentation locale dans les conseils de bibliothèques augmentée.

Ces amendements feront en sorte que la population de l'Ontario continue à jouir de l'un des meilleurs systèmes de bibliothèques qui soient.

Merci.

## **AN ACT RESPECTING PUBLIC LIBRARIES**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### **Interpretation**

- I.** In this Act,
  - (a) "board" in Part I means a public library board, a union board, a county library board or a county library co-operative board and in Part II means an Ontario library service board;
  - (b) "Minister" means the Minister of Citizenship and Culture;
  - (c) "municipality" means a city, town, village, township or improvement district;
  - (d) "regulations" means the regulations made under this Act.

\*Blue type identifies Ministry explanation of certain clauses.

Blue boxes identify Ministry initiatives.

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## PART I PUBLIC LIBRARY SERVICE

### PUBLIC LIBRARY BOARDS

#### Public libraries continued

2. Every public library established under a predecessor of this Part that was being operated immediately before the day this Part comes into force is continued subject to this Part.

#### Establishment of public library

3. (1) The council of a municipality and the trustees of an improvement district may by by-law establish a public library.

#### Copy of by-law to be sent to Minister

(2) When a by-law is passed under subsection (1) the clerk shall promptly mail or deliver a copy of the by-law to the Minister.

Bylaw to create a public library board takes effect promptly. Copies of bylaws creating public library boards to be delivered promptly to the Minister. See also Sections 5(5) and 7(2).

#### Board

(3) A public library shall be under the management and control of a board, which is a corporation known as "The insert name of municipality Public Library Board".

## UNION BOARDS

### Union libraries continued

4. Every union public library established under a predecessor of this Part that was being operated immediately before the day this Part comes into force is continued subject to this Part.

### UNION LIBRARY ASSISTANCE

- \* Feasibility Study Program
- \* Financial assistance to support union public libraries
- \* Consultative Services

### Establishment of union public library

5. (1) The councils of two or more municipalities may make an agreement for the establishment of a union public library.

### Agreement

(2) An agreement under subsection (1) shall specify what proportion of the cost of the establishment, operation and maintenance of the union public library, including the cost of existing libraries, shall be paid by each municipality.

### Union board

(3) A union public library shall be under the management and control of a union board, which is a corporation known as "The appropriate name Union Public Library Board".

Union board name simplified.

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### **Dissolution of boards included in union**

(4) When an agreement is made under subsection (1), the public library boards established in the municipalities for which the union board is established are thereby dissolved, and the assets and liabilities of those boards are vested in and assumed by the union board, unless the agreement provides otherwise.

Agreement between boards to provide for alternative disposition of assets and liabilities of dissolved public library boards.

### **Copy of agreement to be sent to Minister**

(5) When an agreement is made under subsection (1), the clerk of the municipality that has the greatest population shall promptly mail or deliver a copy of the agreement to the Minister.

## **COUNTY LIBRARY BOARDS**

### **County libraries continued**

6. Every county library established under a predecessor of this Part that was being operated immediately before the day this Part comes into force is continued subject to this Part.

### **County library establishment**

7. (1) Where resolutions of the councils of at least two-thirds of the municipalities forming part of a county for municipal purposes request that the county establish a county library, the council of the county may by by-law establish a county library for those municipalities.

County library service not mandated. New simple formula requires two-thirds of municipalities to establish county library; provides minimum population base of approximately 10,000. Formation of county library system is voluntary.

## COUNTY LIBRARY SUPPORT

- \* Feasibility Study Program
- \* Start-up Funding for first two years
- \* Consultative services
- \* Resource material on development and administration

### **Copy of by-law to be sent to Minister**

(2) When a by-law is passed under subsection (1), the clerk shall promptly mail or deliver a copy of the by-law to the Minister.

### **Additional members: agreements**

(3) At any time after a county library is established, the council of a non-participating municipality, city or separated town and the county council may make an agreement bringing the non-participating municipality, city or separated town into the county library, and the council shall amend the establishing by-law accordingly.

Cities or separated towns permitted to join county library boards.

### **Contents of agreement**

(4) An agreement made under subsection (3) shall specify what proportion of the cost of the establishment, operation and maintenance of the county library shall be paid by the county and the city or separated town respectively.

Opted in towns and cities to contribute to county library support.

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### **Dissolution of public library boards, etc.**

(5) When a county library is established, every public library board and county library co-operative established for a municipality or any part thereof that is included in the area for which the county library is established is dissolved, and the assets and liabilities of the boards are vested in and assumed by the county library board unless the by-law establishing the county library provides otherwise.

#### **Idem**

(6) When a municipality joins a county library, subsection (5) applies with necessary modifications.

#### **County library board**

(7) A county library shall be under the management and control of a board, which is a corporation known as "The (insert name of county) County Library Board".

## **COUNTY LIBRARY CO-OPERATIVE BOARDS**

#### **County library co-operatives continued**

8. (1) Every county library co-operative board established under a predecessor of this Act that was in existence immediately before the day this Part comes into force is continued subject to this Part.

#### **When dissolved**

(2) Where a county library co-operative has jurisdiction in an area for which a county library is established, the county library co-operative is dissolved, and its assets and liabilities are vested in and assumed by the county library board.

## **GENERAL**

### **Composition of public library board**

**9.** (1) A public library board shall be composed of at least five and no more than nine members appointed by the municipal council.

**Provides uniform range of 5 to 9 members on all public library boards.**

### **TRUSTEE ORIENTATION**

- \* Support for the revised "Trustees Handbook"
- \* Financial Assistance for "workshops in library leadership"
- \* Volunteer Board Training Program

### **School board representation on public library board**

(2) In the case of a public library board for a municipality whose population is 10,000 or more, school boards with jurisdiction in the municipality shall be represented on the public library board in the following manner:

**In municipalities with populations over 10,000, 3 positions reserved for school board recommendations.**

1. Two of the members of the public library board shall be persons recommended by the board of education and one member shall be a person recommended by the separate school board, if any, unless paragraph 2 applies.
2. If separate school electors are a majority of electors in the municipality, two of the members of the public library board shall be persons recommended by the separate school board and one member shall be a person recommended by the board of education.
3. If there is more than one board of education or more than one separate school board, in each case the board that is supported by the largest number of electors of the municipality shall make the recommendation or recommendations.

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### **Composition of union board**

(3) A union board shall be composed of at least five and no more than fifteen members appointed by the councils of the affected municipalities in the proportions and in the manner specified in the agreement made under subsection 5(1).

Provides uniform range of 5 to 15 members on Union library

### **Idem: county library board**

(4) A county library board shall be composed of at least nine and no more than fifteen members appointed by the county council.

**County boards enlarged. New range of 9 to 15 members.**  
Provides greater representation from member communities.

### **City or separated town: appointments to county library board**

(5) When a city or separated town joins a county library, the members of the county library board shall be appointed by the county council and the council of the city or separated town in the proportions agreed upon by the county council and the council of the city or separated town.

County library board may include board representation from city or separated towns.

### **Idem: county library co-operative board**

(6) The board of a county library co-operative shall be composed of at least nine and no more than fifteen members appointed by the county council.

Provides range of 9 to 15 members on county cooperative library boards.

## **Qualifications of board members**

**10.** (1) A person is qualified to be appointed as a member of a board who is a member of the appointing council or,

- (a) is at least eighteen years old;
- (b) is a Canadian citizen;
- (c) is,
  - (i) in the case of a public library board, a resident of the municipality for which the board is established, or is a resident of a municipality or of the Board area of a local service board or a member of an Indian band that has a contract with the board under section 29,

Board representation from contracting municipalities permitted.

- (ii) in the case of a union board, a resident of one of the affected municipalities, or
- (iii) in the case of a county library board or county library co-operative board, a resident of the county; and
- (d) is not employed by the board or by the municipality or county or, in the case of a union board, by any of the affected municipalities.

Library and municipal employees ineligible to serve on library boards.

## **Number of council members on board limited**

(2) The appointing council shall not appoint more of its own members to a board than the number that is,

- (a) in the case of a public library board or union board, one less than a majority of the board; and

Greater representation from municipal councils permitted, but must not form majority on a public library board.

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(b) in the case of a county library or a county co-operative library, a bare majority of the board.

County council to retain majority on county and cooperative boards.

#### **Term**

(3) A board member shall hold office for a term concurrent with the term of the appointing council, or until a successor is appointed, and may be reappointed for one or more further terms.

#### **Library board appointments concurrent with municipal council terms (3 years).**

#### **Time for making appointments**

(4) The first appointments of members of a new board shall be made at a regular meeting of council and the member shall take office as soon as possible thereafter, and thereafter appointments shall be made at the first meeting of council in each term, but if the council fails to make the appointments at its first meeting, it shall do so at its next regular meeting.

#### **Notice of vacancies**

**11.** (1) The clerk of the appointing municipality or county or, in the case of a union board, the clerks of the affected municipalities shall give public notice of vacancies on the board by publishing a notice of them, inviting applications, in a newspaper of general circulation in the municipality.

#### **Idem**

(2) The notice referred to in subsection (1) shall be in English or in both English and French, as may be appropriate.

#### **Council and school board required to advertise library appointments in English or French and English.**

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## **Idem**

(3) In the case of a public library board, where a vacancy on the board requires the appointment of a person recommended by the public school board, board of education or separate school board that has jurisdiction in the municipality, the notice referred to in subsection (1) shall be published in a newspaper of general circulation in the municipality by the secretary of the school board concerned.

## **Vacancies**

**12.** Where a vacancy arises in the membership of a board, the appointing council shall promptly appoint a person to fill the vacancy and to hold office for the unexpired term.

## **Disqualification of board member**

**13.** If a board member,

- (a) is convicted of an indictable offence;
- (b) becomes incapacitated;
- (c) is absent from the meetings of the board for three consecutive months without being authorized by a board resolution;
- (d) ceases to be qualified for membership under clause 10(1)(c); or
- (e) otherwise forfeits his or her seat,

the member's seat becomes vacant and the remaining members shall forthwith declare the seat vacant and notify the appointing council accordingly.

## **First meeting**

**14.** (1) The clerk of the appointing council or, in the case of a union board, the clerk of the municipality having the greatest population shall call the first meeting of a board in a new term.

Municipal clerks to call first meeting of the board in new term.

### **Chairman**

(2) A board shall elect one of its members as chairman at its first meeting in a new term.

### **Acting chairman**

(3) In the absence of the chairman, the board may appoint one of its members as acting chairman.

### **Staff**

15. (1) A board may appoint and remove such officers and servants as it considers necessary, determine the terms of their employment, fix their remuneration and prescribe their duties.

### **SKILLS DEVELOPMENT FOR LIBRARY STAFF**

- \* Review continuing education requirements for French and English speaking professionals and technicians
- \* Information pamphlet regarding professional opportunities in librarianship
- \* Revision of "The Librarian's Handbook"
- \* Research program with Ontario's two library faculties

### **Chief executive officer**

(2) Every board shall appoint a chief executive officer who shall have general supervision over and direction of the operations of the public library and its staff, shall attend all board meetings and shall have the other powers and duties that the board assigns to him or her from time to time.

Provincial certification program for librarians no longer in effect; boards appoint Chief Executive Officer.

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## **Secretary**

(3) Every board shall appoint a secretary, who may also be the chief executive officer, and who shall,

- (a) conduct the board's official correspondence; and
- (b) keep minutes of every meeting of the board.

## **Treasurer**

(4) A board shall appoint a treasurer, who may also be the secretary, and who shall,

- (a) receive and account for all the board's money;
- (b) open an account or accounts in the name of the board in a chartered bank, trust company or credit union approved by the board;
- (c) deposit all money received on the board's behalf to the credit of that account or accounts; and
- (d) disburse the money as the board directs.

## **Regular meetings**

**16.** (1) A board shall hold regular meetings at least once monthly from January to June and from September to December, both inclusive, and at such other times as it considers necessary.

Library boards to operate on calendar year.

## **Special meetings**

(2) The chairman or any two members of a board may summon a special meeting of the board by giving each member reasonable notice in writing, specifying the purpose for which the meeting is called.

Special meetings to be called with reasonable notice.

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### **Open meetings: exception**

(3) Despite any other Act, board meetings shall be open to the public, except that where the board is of the opinion that intimate financial, personal or other matters may be disclosed at a meeting and that the desirability of protecting against the consequences of their public disclosure outweighs the desirability of holding the meeting in public, the board may hold that meeting in the absence of the public.

Library board meetings open to public except when certain matters discussed.

### **Excluding person**

(4) Despite subsection (3), the chairman may exclude any person from a meeting for improper conduct.

### **Quorum**

(5) The presence of a majority of the board is necessary for the transaction of business at a meeting.

### **Voting**

(6) The chairman or acting chairman of a board may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negative.

### **Language**

**17.** A board may conduct its meetings in English or French or in both English and French, and subsections 104a(1), (4), (5), (6) and (7) of the Municipal Act R.S.O. 1980, c.302 apply to a board with necessary modifications.

**Boards permitted to conduct business in English or French.**

## FRENCH LANGUAGE SERVICES

- \* Provincial and regional (Ontario Library Service) Co-ordinators
- \* Bilingual book review and selection service
- \* Wintario category for Materials acquisition
- \* Tri-Regional Catalogue extension

## Expenses

18. The members of a board may be reimbursed by council for proper travelling and other expenses incurred in carrying out their duties as members of the board.

## Real property

19. (1) A board may, with the consent of the appointing council or, where it is a union board, the consent of a majority of the councils of the municipalities for which it was established,

- (a) acquire land required for its purposes by purchase, lease, expropriation or otherwise;
- (b) erect, add to or alter buildings;
- (c) acquire or erect a building larger than is required for library purposes, and lease any surplus part of the building; and
- (d) sell, lease or otherwise dispose of any land or building that is no longer required for the board's purposes.

Consent of appointing council required for all real property transactions.

## PUBLIC LIBRARY FACILITIES

- \* New library facilities standards handbook is being developed

## **Application of R.S.O. 1980, c. 148**

(2) The Expropriations Act applies to the expropriation of land under subsection (1).

### **Powers and duties of board**

#### **UNIQUE COMMUNITY NEEDS**

- \* French, Natives, Multicultural, Disabled:
  - 4 provincial co-ordinators
  - 4 advisory committees
- \* New Community Needs Assessment Manual
- \* Pilot project for development of a community information master plan
- \* Provision of statistics and research data

#### **20. A board,**

(a) shall seek to provide, in co-operation with other boards, a comprehensive and efficient public library service that reflects the community's unique needs;

#### **Board's responsibility to reflect community's unique needs.**

(b) shall seek to provide library services in the French language, where appropriate;

#### **French language services specified.**

(c) shall operate one or more libraries and ensure that they are conducted in accordance with this Act and the regulations;

#### **Board must operate one or more libraries.**

(d) may operate special services in connection with a library as it considers necessary;

Library board permitted to operate art gallery, museum or other special services.

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- (e) shall fix the times and places for board meetings and the mode of calling and conducting them, and ensure that full and correct minutes are kept;
- (f) shall make an annual report to the Minister and make any other reports required by this Act and the regulations or requested by the Minister from time to time;
- (g) shall make provision for insuring the board's real and personal property;
- (h) shall take proper security for the treasurer; and
- (i) may appoint such committees as it considers expedient.

#### **COLLECTIONS DEVELOPMENT**

- \* "Canadian Selection: Books and Periodicals for libraries"
- \* Administrative support for Ontario Joint Fiction/Biography Reserve
- \* Consultative assistance
- \* Audio-visual consultation

#### **PUBLIC LIBRARY AUTOMATION**

- \* Library Co-operative Automation Program (LCAP)
- \* Computerized telecommunication pilot project in Escarpment area
- \* Technical consultative services
- \* Resource material and workshops

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## **Operation of branch libraries by county library board**

**21.** A county library board shall operate a branch library in each local municipality that operated a public library before that municipality became part of the county library system, unless the county council and the council of the municipality concerned agree otherwise.

Allows municipality and county council to determine number of county library branches.

## **Retirement allowances**

**22.** (1) A board may, with the approval of the appointing council or councils, grant an annual retirement allowance to an employee in accordance with section 100 of the Municipal Act, R.S.O. 1980, c. 302 and that section applies with necessary modifications.

## **Pensions**

(2) A board may, by resolution, provide pensions for employees or any class of them and their surviving spouses and children in the manner and subject to the conditions set out in paragraph 46 of section 208 of the Municipal Act, R.S.O. 1980, c. 302 and that paragraph applies with necessary modifications.

## **Sick leave credits**

(3) A board may, by resolution, establish a system of sick leave credit gratuities for employees or any class of them in the manner and subject to the conditions set out in paragraph 47 of section 208 of the Municipal Act, R.S.O. 1980, c. 302 and that paragraph applies with necessary modifications.

## **Libraries to be open to public**

**23.** (1) A board shall not make a charge for admission to a public library or for use in the library of the library's materials.

Free admission to and use of library materials in library.

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## Certain library services free

(2) Every board shall allow the public to,

- (a) borrow circulating books; and

### **Circulating books free of charge with no administrative costs.**

(b) use reference and information services as the board considers practicable,

### **Reference and information services free, at a level determined by boards.**

without making any charge.

## Fees

(3) A board may impose such fees as it considers proper for,

- (a) services not referred to in subsections (1) and (2);
- (b) the use of the parts of a building that are not being used for public library purposes; and
- (c) the use of library services by persons who do not reside in the area of the board's jurisdiction.

Fees may be charged to non-residents and for other services.

## Rules

(4) Subject to the regulations, a board may make rules,

- (a) for the use of library services;
- (b) for the admission of the public to the library;
- (c) for the exclusion from the library of persons who behave in a disruptive manner or cause damage to library property;
- (d) imposing fines for breaches of the rules;
- (e) suspending library privileges for breaches of the rules; and
- (f) regulating all other matters connected with the management of the library and library property.

## **Estimates**

**24.** (1) A public library board, county library board or county library co-operative board shall submit to the appointing council, annually on or before the date and in the form specified by the council, estimates of all sums required during the year for the purposes of the board.

**Clarifies accountability of library board to appointing council through annual budgetary process.**

### **Approval of estimates**

(2) The amount of the board's estimates that is approved by the council, subject to any terms and conditions that the council imposes, shall be adopted by the board and shall be paid to the board out of the monies appropriated for it.

### **Idem: union board**

(3) A union board shall submit its estimates to each of the councils of the municipalities for which the board was established, and subsections (1) and (2) apply to the union board with necessary modifications.

### **Where two or more municipalities concerned**

(4) A union board shall submit with its estimates a statement as to the proportion of the estimates that is to be charged to each of the municipalities, and if the estimates of the board are approved or amended and approved by the councils of the municipalities representing more than one-half of the population of the area for which the board was established, they are binding on all the municipalities.

### **Audited financial statements**

(5) A public library board, county library board or county library co-operative board shall submit its annual financial statements, audited by a person appointed under section 88 of the Municipal Act, to the council annually on or before the date specified by the council.

**Library boards required to submit annual audited financial statements to council.**

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### **Idem: union board**

(6) A union board shall submit its annual financial statements to each of the councils of the municipalities for which the board was established, and subsection (5) applies to the union board with necessary modifications.

### **Debentures for library purposes**

25. (1) Subject to the approval of the Ontario Municipal Board, the sums required by a public library board or union board for the purposes of acquiring land, for building, erecting or altering a building or for acquiring books and other things required for a newly established library may, on the application of the board, be raised by the issue of municipal debentures.

### **Application to council**

(2) The board's application shall be made to the council or councils of the municipality or municipalities for which the board was established.

### **Council to deal with application**

(3) The council or, if more than one, each of the councils, at the first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove it, and if a vote in any council results in a tie, the application shall be deemed to be disapproved by the council.

### **Issue of debentures**

(4) If the council, or a majority of the councils where there are more than one, approves the application and the Ontario Municipal Board approves it, the council of the municipality or, if more than one, the council of the municipality that has the greatest population shall raise the sum required by the issue of debentures in the manner provided by the Municipal Act, R.S.O. 1980, c. 302 or, if it so desires, the council of any municipality may raise its proportion of the sum required by the issue of its own debentures.

## **Library estimates included in county estimates**

**26.** (1) The amount estimated by a county library board to meet its operating costs, as approved by the council, shall be included in the amount required by the county for general county purposes under subsection 164(1) of the Municipal Act, R.S.O. 1980, c.302 and shall be apportioned among the municipalities forming part of the county for municipal purposes, unless not all those municipalities participate in the county library, in which case the county council shall by by-law apportion the amount estimated by the county library board among the participating municipalities.

## **Accommodation may be provided by local municipality**

(2) The council of one or more participating municipalities may, at the request of the county library board, rent accommodation to the board and may, subject to the approval of the Ontario Municipality Board, issue municipal debentures for the cost of constructing a building for the board's purposes, but the ownership of the building shall remain with the municipality.

Codifies current practice by which local municipalities retain ownership unless otherwise noted in bylaw.

## **Grant from council**

**27.** The council of any municipality or county may make a grant in money, lands or buildings to a board.

## **Inspection of records**

**28.** A person may, during ordinary business hours, inspect any records, books, accounts and documents in the possession or control of a board's secretary.

## **Contract for library services**

**29.** (1) The council of a municipality, a local service board, the council of an Indian band or the trustees of an improvement district may, instead of establishing or maintaining a public library, enter into a contract with a public library board, union board or county library board, or, where subsection 34(2) applies, with the Ontario library service board that has jurisdiction, for the purpose of providing the residents of the municipality or local service board area or the members of the band, as the case may be, with library services, on the terms and conditions set out in the agreement.

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Allows for contract to provide library services between municipality and library board, terms and conditions to be determined by parties involved. See also Section 10(1)(c)(i).

### **Annual report to Minister**

(2) The council, local service board, band council or trustees entering into a contract under subsection (1) shall make an annual financial report to the Minister and make any other reports required by this Act and the regulations or requested by the Minister.

### **Minister may make legislative grants to boards**

**30.** (1) The Minister may make a grant to a board out of legislative appropriations for library purposes, on the prescribed conditions.

**Non-operating boards no longer exist. Every board to operate library. See Section 20(c).**

### **Idem: where municipality, etc., has contract for library services**

(2) The Minister may make a grant out of legislative appropriations for library purposes to a municipality, local service board, Indian band or improvement district that has a contract for library services under subsection 29(1), on the prescribed conditions.

**Municipality permitted to contract library services with library board and receive provincial funding.**

### **Idem: library of regional municipality**

(3) Where a regional municipality has established a public library board, the Minister may make a grant to the board out of legislative appropriations for library purposes as if it were a board under this Part.

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**Item: library of Indian band or local service board**

(4) Where the council of an Indian band or a local service board has established a public library, the Minister may make a grant to the Indian band or local service board out of legislative appropriations for library purposes as if it were a board under this Part.

**NATIVE SERVICES**

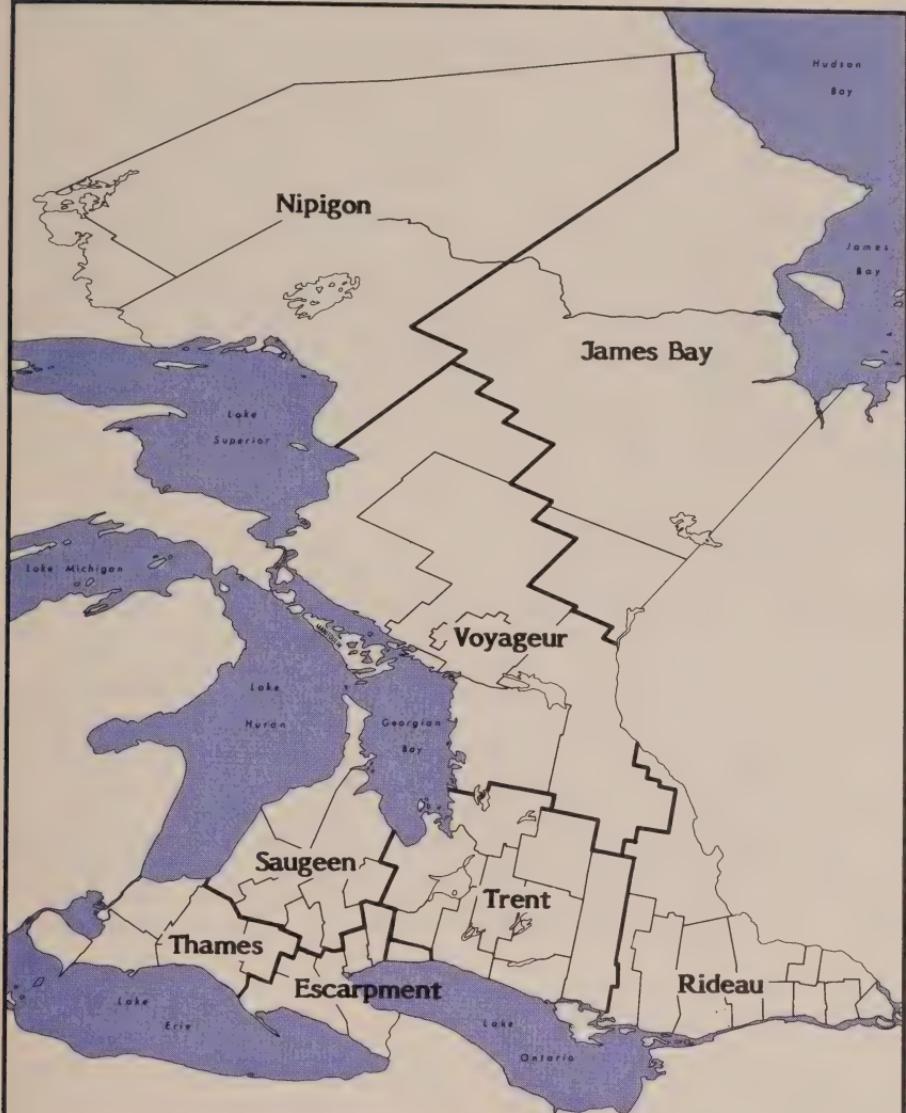
- \* Provincial Co-ordinator
- \* Native Library Development Program
- \* Wintario category for materials acquisition
- \* Bibliography of the Ojibway-Cree Resource Centre

**MULTICULTURAL SERVICES**

- \* Provincial Co-ordinator
- \* Bibliography of multicultural periodicals/newspapers/books
- \* Orientation package for development of services
- \* Wintario category for materials acquisition

**DISABLED SERVICES**

- \* Provincial Co-ordinator
- \* Wintario category for materials acquisition



**MAP OF OLS BOUNDARIES**

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## PART II

### ONTARIO LIBRARY SERVICE

#### **Regional Library Service re-named Ontario Library Service.**

#### **Establishment, etc., of Ontario library service areas**

**31.** The Minister may establish and locate Ontario library service areas throughout Ontario, may determine and may from time to time alter the boundaries of an Ontario library service area and may dissolve an Ontario library service area.

Minister may establish and dissolve OLS areas throughout Ontario.

#### **Regional library systems dissolved**

**32.** (1) Every regional library system established for a region under a predecessor of this Act that was being operated immediately before the day this Part comes into force is dissolved and,

- (a) where the region lies entirely within the boundaries of an Ontario library service area, the assets and liabilities of the regional library system are vested in and assumed by the board of the Ontario library service area; or
- (b) where two or more Ontario library service areas are established in the region, the assets and liabilities of the regional library system shall be apportioned among the boards of the Ontario library service areas as the Minister directs.

#### **Fiscal year**

(2) The fiscal year of an Ontario library service area begins on the 1st day of April in each year and ends on the 31st day of March in the following year.

Ontario Library Service (OLS), as agencies of the Ministry, to follow provincial fiscal year.

## **Board**

**33.** (1) An Ontario library service area shall be under the jurisdiction of a board, which is a corporation known as "The insert name specified by the Minister Ontario Library Service Board".

Boards retained in Ontario Library Service.

## **Composition of board**

(2) A board shall consist of,

- (a) one member appointed by the public library board for every municipality within the Ontario library service area that has a population of 15,000 or more;

**Appointments from municipalities with populations over 15,000 continue on OLS boards.**

- (b) one member appointed by the county library board for every county within the Ontario library service area; and

**County Library appointments continue on OLS.**

- (c) if the number of members appointed under clauses (a) and (b) is,

- (i) less than nine, a number of additional members appointed by the Minister that brings the number of members to a total not exceeding nine, or

**Retains system whereby Minister appoints up to 9 if large municipalities appoint less than 9 members.**

- (ii) nine or more, a number of additional members appointed by the Minister that does not exceed one less than the number appointed under clauses (a) and (b).

**New provision provides additional appointments by Minister to ensure representation from small communities.**

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### **First meeting, etc.**

(3) The Minister or the Minister's delegate shall arrange for appointments to a board and shall call the first meeting of a board in a fiscal year.

Clarifies procedure for calling first meeting of board in new term.

### **Term of office**

(4) A board member shall hold office until the last day of the fiscal year in which he or she is appointed, or until a successor is appointed, whichever is longer, and may be reappointed for one or more further terms.

OLS appointments concurrent with provincial government's annual fiscal year.

### **Vacancies**

(5) Where a vacancy arises in the membership of the board, the appointing public library board or county library board or the Minister, as the case may be, may appoint a person to fill the vacancy and to hold office for the unexpired term.

### **Objects of board**

**34.** (1) The objects of a board are to deliver programs and services on behalf of the Minister by,

Specifies responsibilities of OLS board.

- (a) increasing co-operation and co-ordination among public library boards and other information providers in order to promote the provision of library services to the public; and

(b) assisting public library boards by providing them with services and programs that reflect their needs, including consultation, training and development services.

### **OLS CORE SERVICES**

- \* Interlibrary loan - delivery system, telecommunications services network
- \* Audio-visual services
- \* Local library consulting service
- \* Training and evaluation
- \* Co-ordination of cost-shared programs
- \* Development of larger units of service

### **Direct library service in northern Ontario**

(2) The board of an Ontario library service area designated by the Minister as a northern Ontario library service area may provide library services directly, whether under a contract with the council of a municipality, a local service board, the council of an Indian band or the trustees of an improvement district in the Ontario library service area as described in subsection 29(1) or otherwise.

#### **OLS may provide direct library service in northern Ontario.**

### **Powers of board**

**35.** (1) A board has the powers necessary or convenient to achieve its objects and, without limiting the generality of the foregoing, may,

- (a) subject to clause (2)(a), make by-laws and rules for the administration of its affairs;
- (b) appoint any person by resolution to execute documents on behalf of the board and to affix the board's seal to them;
- (c) appoint such committees as it considers expedient; and
- (d) enter into agreements with public library boards, union library boards and county library boards.

## Duties of board

(2) A board shall,

- (a) conduct its affairs in accordance with the administrative policies and procedures determined by the Minister;
- French language services prescribed in OLS Manual of Administrative Policies and Procedures.**
- (b) fix the times and places for board meetings and the mode of calling them, and ensure that proper minutes are kept;
- (c) make an annual report to the Minister and make any other reports requested by the Minister;
- (d) make provision for insuring the board's real and personal property; and
- (e) take proper security for the treasurer.

### OLS BOARD ORIENTATION PROGRAM

## Estimates

36. (1) In each fiscal year the board shall submit to the Minister, in the form and on or before the day specified by the Minister, estimates of all sums required during the year for the area's purposes.

## Approval of estimates

(2) The amount of the board's estimates that is approved by the Minister shall be adopted by the board and shall be paid to the board out of legislative appropriations for library purposes in the amounts, at the times and on the terms and conditions that the Minister considers proper.

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**Financial reports, etc.**

**37.** A board shall submit to the Minister,

- (a) in each fiscal year, its audited financial statements and descriptions of its programs and activities; and
- (b) such further information as the Minister requests from time to time.

**Application of general provisions**

**38.** Sections 13 to 18, except subsections 14(1) and 16(1), apply to a board with necessary modifications.

## **PART III GENERAL**

### **Regulations**

**39.** The Lieutenant Governor in Council may make regulations,

- (a) providing for the distribution of all moneys appropriated by the Legislature for library purposes;
- (b) prescribing the conditions governing the payments of grants to boards;
- (c) respecting the establishment, organization, management, operation, premises and rules of public libraries.

### **Special library service boards**

**40.** (1) The Minister may establish special library service boards to provide the resources and services that the Minister specifies and may make grants to special library service boards out of legislative appropriations for library purposes.

Special library services boards may be province-wide or regional.

### **s. 37 applies**

(2) Section 37 applies to a special library service board with necessary modifications.

#### **SPECIAL LIBRARY SERVICES BOARDS**

- \* For example: Library Service Centre may be a special library services board

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## **Metropolitan Toronto Library Board**

(3) The Metropolitan Toronto Library Board, as continued by subsection 148(1) of the Municipality of Metropolitan Toronto Act, R.S.O. 1980, c. 314 shall be deemed to be a special library service board and may provide library resources and services to the Ontario library community.

Metropolitan Toronto Library Board, unique as both an operating library and regional library service, deemed a special library service board

### **Withholding grant on default of board**

**41.** Where a board in any fiscal year fails to comply with this Act or the regulations, the Minister may withhold the whole or any part of the legislative grant that would otherwise be payable to the board for that year.

### **Dissolution by Minister**

**42.** (1) The Minister may dissolve a public library board, a union board, a county library board or a county library co-operative board where the board has not, during the two year period immediately preceding the dissolution, maintained and operated a library.

Provides for elimination of non-functioning library boards.

### **Idem**

(2) The Minister may dissolve an Ontario library service board where the Ontario library service area under its jurisdiction has been dissolved.

### **Assets and liabilities of dissolved board**

(3) Where a board is dissolved under subsection (1), its assets and liabilities are vested in and assumed by the municipality or county or, in the case of a union board, are distributed as the Minister directs among the municipalities for which the union board was established.

## **Idem**

(4) Where a board is dissolved under subsection (2), its assets and liabilities are vested in and assumed by the Crown in right of Ontario.

Allows for disposition of assets of dissolved library board.

## **Repeal**

**43.** The Public Libraries Act, being chapter 414 of the Revised Statutes of Ontario, 1980, is repealed.

**44.** Subsection 148(7) of the Municipality of Metropolitan Toronto Act, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out "board of a regional library system" in the third line and inserting in lieu thereof "special library services board".

## **Commencement**

**45.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

## **Short title**

**46.** The short title of this Act is the Public Libraries Act, 1984.

### **ADVISORY COMMITTEES**

- \* Ontario Provincial Library Council is sunsetted
- \* 4 Advisory Committees from library community established
- \* Technical Advisory Committees created.



*The Ontario Ministry of  
Citizenship and Culture*

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*Susan Fish, Minister*



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Susan Fish, Minister  
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